

REMARKS

In response to the response filed September 30, 2008, the Patent and Trademark Office (PTO) has imposed new grounds of rejection against the claims, alleging that newly cited Riseman (US 4,169,000), in combination with Applicants' Admitted Prior Art (AAPA), renders claims 1-6 obvious under 35 U.S.C. §103(a). As presented below, Applicants believe the claims to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features, but in addition fails to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

On page 3, paragraph 2 of the Office Action (OA), the Examiner admits that AAPA fails to disclose "a buffer layer formed on an upper surface of the lower substrate to have a plurality of shapes with air gaps defined between each of said shapes and spaced apart from each other at regular intervals," and relies on Riseman to remedy the deficiencies of AAPA. Specifically, the Examiner alleges that Riseman teaches a buffer layer (14/20) formed on an upper surface of the lower substrate (10, 11, 13) to have a plurality of shapes (Fig. 7) with air gaps (12) defined between each of said shapes and spaced apart from each other at regular intervals (*see* Riseman Fig. 7).

The Examiner alleges that AAPA and Riseman are in the same field of endeavor and that it would have been obvious to a person of ordinary skill in the art to include a plurality of shapes with air gaps, the motivation for doing so is to reduce stress (Examiner citing Riseman, column 3, lines 46-49). Applicants respectfully disagree, submitting that Riseman is unrelated to both the AAPA and Applicants' device, and that the alleged combination of references is improper, the OA appearing to use improper hindsight

reconstruction to pick and choose among isolated disclosures.

Unlike Applicants' invention that relates to a manufacturing method that forms a removably adhered upper substrate, wherein the air gaps allow for easily detaching a microstructure from a lower substrate on which it is manufactured, Riseman appears to disclose forming a fully-enclosed air isolation structure to provide dielectric isolation in integrated circuit structures.

Although Riseman suggest that the cavities reduce stress induced by changes in volume, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine cavities, formed primarily for their dielectric properties, with the AAPA to render obvious the Applicants' recited structure.

Applicants therefore respectfully submit that the claim 1 is allowable based upon the improper combination of Riseman and AAPA is improper, the asserted combination of references presenting no apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

Claims 2-6 depend from independent claim 1 and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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